

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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McGEE & McGEE WINE MERCHANTS, LLC, a Nevada limited liability company, dba SAPPHIRE FAMILY OF WINES,)	3:16-CV-0240-LRH-WGC
)	
Plaintiff,)	<u>ORDER</u>
)	
v.)	
)	
JAM CELLARS, INC., a California corporation; and JOHN ANTHONY VINEYARDS, LLC, a California limited liability company,)	
)	
Defendants.)	

Before the court is plaintiff McGee & McGee Wine Merchants, LLC's ("McGee") emergency motion for pretrial status conference. ECF No. 7.

Plaintiff McGee is the sole authorized wholesaler of defendants Jam Cellars, Inc. ("Jam") and John Anthony Vineyards, LLC's ("JAV") wines in the state of Nevada as the result of a franchise agreement between the parties. On February 17, 2016, and February 18, 2016, defendants sent McGee letters terminating the franchise agreements effective May 17, 2016, and May 18, 2016, ninety days after McGee's receipt of the letters.

On April 4, 2016, McGee filed a complaint against defendants in state court for breach of contract and associated state law tort claims. ECF No. 1, Exhibit A, p. 10-20. On the same day, McGee filed an emergency *ex parte* application for a temporary restraining order and a motion for

1 preliminary injunction. ECF No. 1, Exhibit D, p. 28-114. On April 11, 2016, the state district court
2 denied McGee's motion. ECF No. 1, Exhibit I, p. 217-221. McGee promptly appealed the state
3 court's denial of its motion for a temporary restraining order and preliminary injunction.
4 ECF No. 1, Exhibit J, p. 223-225. Subsequently, McGee filed a motion for stay and an injunction
5 pending appeal in state court. ECF No. 1, Exhibit K, p. 227-241.

6 While McGee's motion for stay was pending in state court, defendants removed this action
7 to federal court on the basis of diversity jurisdiction. ECF No. 1. After removal, McGee filed an
8 emergency motion to remand or, in the alternative, for a stay and an injunction pending appeal.
9 ECF No. 6. Thereafter, McGee filed the present emergency motion for pretrial status conference.
10 ECF No. 7.

11 In its present motion, McGee seeks an order from the court addressing the merits of its
12 motion to remand on an emergency basis. *See* ECF No. 7. The court has reviewed the pending
13 motions in this action, along with the history of this action in state court, and finds that a shortened
14 briefing schedule on McGee's motion to remand is appropriate. Therefore, the court shall shorten
15 the briefing schedule as follows: any opposition to McGee's motion to remand shall be due on or
16 before Tuesday, May 17, 2016, by 5:00 p.m. and any reply shall be due on or before Thursday,
17 May 19, 2016, by noon. The court further finds that a hearing on McGee's emergency motion to
18 remand is not necessary as the sole issue before this court is whether to remand this action back to
19 state court and such an issue can be fully addressed in the parties' briefing.

20 However, due to the nature of this case and in the interest of protecting the status quo, the
21 court finds that it is appropriate to stay all action in this litigation except for the parties' briefing on
22 the motion to remand pending resolution of that motion. The court finds that a short stay will
23 protect both parties' rights in this action and at the same time will not require any affirmative action
24 on the part of either party. A short stay will also allow the court to quickly address the motion to
25 remand.


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1 IT IS THEREFORE ORDERED that plaintiff's emergency motion for pretrial status
2 conference (ECF No. 7) is GRANTED in-part and DENIED in-part in accordance with this order.
3 The briefing schedule on plaintiff's emergency motion to remand (ECF No. 5) is modified as
4 follows: any opposition to McGee's motion to remand shall be due on or before Tuesday, May 17,
5 2016, by 5:00 p.m. and any reply shall be due on or before Thursday, May 19, 2016, by noon.

6 IT IS FURTHER ORDERED that this action, 3:16-cv-0240-LRH-WGC, is STAYED
7 pending resolution of plaintiff's emergency motion to remand (ECF No. 5).

8 IT IS SO ORDERED.

9 DATED this 11th day of May, 2016.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE